

LAW OFFICE OF
ZACHARY MARGULIS-OHNUMA

January 15, 2016

Via ECF, email and U.S. Mail

Hon. Sterling Johnson, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: U.S. v. Adamou Djibo, 15 Cr. 88 (SJ)

Dear Judge Johnson:

This office represents the defendant Adamou Djibo in the above-captioned case. I write to request the Court's assistance in obtaining 3500 material and in enforcing its prior order directing the government to produce an unredacted version of Government Exhibit 11.

First, I request an order pursuant to Rule 16 of the Federal Rules of Criminal Procedure and 18 U.S.C § 3500 requiring or encouraging the government to immediately turn over all prior statements relating to the testimony of government witnesses Special Agent David Bauer; Marcus Rivera; and the unnamed corporate witnesses identified on the government's witness list submitted yesterday. These witnesses were identified as trial witnesses yesterday but no 3500 has been turned over despite repeated requests from the defense, which received no response.

In addition, I ask the Court to enforce its order requiring the government to turn over to the defense an unredacted copy of Government Exhibit 11, which consists of

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66 pages of records seized from the phone of the cooperating witness in this case. Although the redacted exhibit is already present on the public docket, see Dkt. No. 105-1, the government advised me that the files including the unredacted exhibit is "too big to email" and that it was instead sent by Fedex for delivery today.¹ The government has declined to respond to my repeated requests to reveal what time the delivery is scheduled for. The government also did not respond to my numerous inquiries yesterday and the day before about how the documents would be delivered.

It is our position that the government, by failing to deliver the unredacted exhibit to my office last night, has violated the court order and the appropriate sanction is to preclude the exhibit.

If preclusion is not granted, I ask that the Court order the government to email me scans of the redacted portions of the cooperator's phone records by 10 a.m. this morning (I will not be in my office after 1 p.m. today). The email would consist of nothing more than an unredacted version of the document already filed as Docket No. 105-1, a 64-page exhibit to the government's letter dated January 12, 2016.

Thank you for your attention to this case.

Very truly yours,

Zachary Margulis-Ohnuma

Zachary Margulis-Ohnuma

CC: Karen Koniuszy, Esq. (via ECF and email)

¹ I never requested full-size photographs from the phone and am willing to wait until those arrive in today's Fedex delivery.